

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

|                           |   |           |
|---------------------------|---|-----------|
| UNITED STATES OF AMERICA  | : |           |
|                           | : | 1:20CR351 |
| v.                        | : |           |
|                           | : |           |
| FRANCISCO ANTONIO AGUIRRE | : |           |

FACTUAL BASIS

NOW COME the United States of America, by and through Matthew G.T. Martin, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11(b)(3), Fed. R. Crim. P., states as follows:

Francisco Antonio Aguirre (“Aguirre”) was born on September 19, 19XX in San Miguel, Acatau, Huehuetenango, Guatemala and is a citizen and national of Guatemala. On or about February 22, 1985, Aguirre entered the United States near San Ysidro, California without inspection. On or about September 1, 1988, Aguirre filed an Application for Temporary Resident Status with the U.S. Immigration and Naturalization Service (“INS”) pursuant to the Special Agricultural Worker legalization program established by section 210 of the Immigration and Nationality Act (“INA”). On November 1, 1988, INS approved the application and granted Temporary Resident Status to Aguirre. On October 7, 1991, Aguirre’s

immigration status was adjusted to that of a Lawful Permanent Resident as a matter of law, pursuant to section 210 of the INA. His alien file reference number is XXX 949 054.

Aguirre has not applied for nor petitioned for United States citizenship. Aguirre knew he was not a United States citizen at all relevant times. Aguirre, in fact, is not and never has been a United States citizen.

On September 23, 2016, in Surry County, North Carolina, Aguirre registered to vote.

On November 8, 2016, in Surry County, North Carolina, Aguirre voted in the November 2016 election. The November 2016 election was an election held for the purpose of electing a candidate for the office of President, Vice President, Member of the United States Senate, and Member of the United States House of Representatives, among other positions on the ballot.

This the 14th day of January, 2021.

Respectfully submitted,

/s/ MATTHEW G.T. MARTIN  
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CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2021, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

John A. Duberstein, Attorney for Defendant

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